

ESTTA Tracking number: **ESTTA581471**

Filing date: **01/13/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204296
Party	Plaintiff JJI International, Inc.
Correspondence Address	CRAIG M SCOTT SCOTT BUSH LTD ONE TURKS HEAD PLACE 4TH FLOOR PROVIDENCE, RI 02903 UNITED STATES cscott@scottbushlaw.com, smcgurk@scottbushlaw.com, pstroke@scottbushlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Craig M. Scott
Filer's e-mail	cscott@scottbushlaw.com, erenner@scottbushlaw.com, smcgurk@scottbushlaw.com,pstroke@scottbushlaw.com
Signature	/Craig M. Scott/
Date	01/13/2014
Attachments	Notice of Reliance re Offical Records.pdf(491840 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
THE TRADEMARK TRIAL AND APPEAL BOARD

JJI INTERNATIONAL, INC.	:	
Opposer,	:	Appl. Ser. No.: 85356064
v.	:	Opposition No.: 91204296
SPARKLE LIFE, LLC	:	
Applicant.	:	

OPPOSER’S NOTICE OF RELIANCE RE: OFFICIAL RECORDS

Pursuant to Trademark Rule of Practice 2.122(e), TBMP § 704.07 (3d ed., Rev. 1, Opposer, JJI International, Inc. (“JJJ”), hereby makes of record and notifies Applicant, Sparkle Life, LLC (“Applicant”), of its reliance on the following official records capable of ready determination by resort to sources whose accuracy cannot reasonably be questioned, and are relevant to the issue of likelihood of confusion. True and correct copies of photocopies of which are attached hereto, and JJI asks the Board to take judicial notice thereof:

1. Office Action dated March 1, 2011, The Bazar Group, U.S. Trademark Application No. 85180816 – SPARKLE, a true and correct copy of which is attached hereto as Exhibit 1.
2. Request for Express Abandonment dated April 6, 2011, The Bazar Group, U.S. Trademark Application No. 85180816 – SPARKLE, a true and correct copy of which is attached hereto as Exhibit 2.

3. Notice of Abandonment dated April 7, 2011, The Bazar Group, U.S. Trademark Application No. 85180816 – SPARKLE, a true and correct copy of which is attached hereto as Exhibit 3.

These documents are relevant to the issues of likelihood of confusion, the lack of trademarkability and registrability of Applicant's purported mark, SPARKLE LIFE, and JJI's enforcement of its rights in its federally registered mark, SPLASHES & SPARKLES®.

JJI INTERNATIONAL, INC.

By: /Craig M. Scott/
Craig M. Scott, Esq.
SCOTT & BUSH LTD.
One Turks Head Place, 4th Floor
Providence, RI 02903
Phone: (401) 865-6035
Fax: (401) 865-6039
Email: cscott@scottbushlaw.com

Attorney for Opposer

Dated: January 13, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Notice of Reliance Re: Official Records* has been served on counsel to Sparkle Life LLC by sending said copy on January 13, 2014 via electronic mail and First Class Mail, postage prepaid to:

Sven W. Hanson
PO Box 357429
Gainesville, Florida 32635-7429
swhanson@bellsouth.net

Thomas E. Toner
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Orlando, Florida 32801
tom.toner@lowndes-law.com

/s/ Craig M. Scott/

EXHIBIT 1

To: The Bazar Group (pbazar@pearls.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85180816 - SPARKLE - N/A
Sent: 3/1/2011 4:15:59 PM
Sent As: ECOM114@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3
Attachment - 4
Attachment - 5
Attachment - 6
Attachment - 7
Attachment - 8
Attachment - 9

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85180816

MARK: SPARKLE

85180816

CORRESPONDENT ADDRESS:

THE BAZAR GROUP
THE BAZAR GROUP
795 WATERMAN AVE
EAST PROVIDENCE, RI 02914-1713

CLICK HERE TO RESPOND TO THIS LETTER:

<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: The Bazar Group

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

pbazar@pearls.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/1/2011

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:

Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The assigned trademark examining attorney has reviewed the referenced application and has determined the following.

Trademark Act Section 2(d) Refusal to Register

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3795102, 3748482 and 3574236. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

A likelihood of confusion determination requires a two-part analysis. First the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

A. The Marks

The applicant seeks to register "SPARKLE," and the registered marks are "SPIRITUAL SPARKLE," "CAMLA DREAM INSPIRE SPARKLE," and "PIKA PIKA." The marks are similar because the applicant's mark consists of a salient feature, or foreign equivalent, of the registered marks. Under the doctrine of foreign equivalents, a mark in a foreign language and a mark that is its English equivalent may be held to be confusingly similar. TMEP §1207.01(b)(vi); *see, e.g., In re Thomas*, 79 USPQ2d 1021, 1025 (TTAB 2006); *In re Hub Distrib., Inc.*, 218 USPQ 284 (TTAB 1983). Therefore, marks comprised of foreign words are translated into English to determine similarity in meaning and connotation with English word marks. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). Equivalence in meaning and connotation can be sufficient to find such marks confusingly similar. *See In re Thomas*, 79 USPQ2d at 1025.

The doctrine is applicable when it is likely that an ordinary American purchaser would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696; TMEP

§1207.01(b)(vi)(A). The ordinary American purchaser refers to “all American purchasers, including those proficient in a non-English language who would ordinarily be expected to translate words into English.” *In re Spirits Int’l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); see *In re Thomas*, 79 USPQ2d at 1024 (citing J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* §23:26 (4th ed. 2006), which states “[t]he test is whether, to those American buyers familiar with the foreign language, the word would denote its English equivalent.”).

Generally, the doctrine is applied when the English translation is a literal and exact translation of the foreign wording. See *In re Thomas*, 79 USPQ2d at 1021 (holding MARCHE NOIR for jewelry likely to be confused with the cited mark BLACK MARKET MINERALS for retail jewelry and mineral store services where evidence showed that MARCHE NOIR is the exact French equivalent of the English idiom “Black Market,” and the addition of MINERALS did not serve to distinguish the marks); *In re Ithaca Indus., Inc.*, 230 USPQ 702 (TTAB 1986) (holding applicant’s mark LUPO for men’s and boys’ underwear likely to be confused with the cited registration for WOLF and design for various clothing items, where LUPO is the Italian equivalent of the English word “wolf”); *In re Hub Distrib., Inc.*, 218 USPQ at 284 (holding the Spanish wording EL SOL for clothing likely to be confused with its English language equivalent SUN for footwear where it was determined that EL SOL was the “direct foreign language equivalent” of the term SUN).

B. The Goods/Services

The applicant uses its mark on jewelry, and the registered marks are used on jewelry. The goods/services of the parties are identical. If the goods and/or services of the respective parties are “similar in kind and/or closely related,” the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as would be required with diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); see *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. See *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); see, e.g., *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

Based on the similarity of the marks and relatedness of the goods/services, consumers are likely to be confused by the marks into believing that the goods/services of the parties share a common source or sponsorship.

Although the examining attorney has refused registration, the applicant may respond to the refusal to

register by submitting evidence and arguments in support of registration.

Pending Conflicting Application

The filing date of pending Application Serial No. 85140836 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Description of Mark

Applicant must respond to the requirement(s) set forth below.

The description of the mark uses vague language that does not accurately describe the applied-for mark (i.e., "consists of stylized letters a large S smaller letters parkle". Applications for marks not in standard characters must include an accurate and concise description that identifies all literal elements as well as any design elements in the mark. *See* 37 C.F.R. §2.37; TMEP §808.02.

Therefore, applicant must provide a more detailed description of the applied-for mark. The following is suggested:

The mark consists of the stylized large letter "S" and "PARKLE" in smaller letters, followed by a swoosh.

General Response Guidelines

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

A non-attorney who is authorized to verify facts on behalf of an applicant under 37 C.F.R. §2.33(a)(2) is *not* entitled to sign responses to Office actions, unless he or she has legal authority to bind applicant, e.g., a corporate officer. TMEP §§712.01 and 712.03. This means that the person that originally signed the verification for the application may not be entitled to sign the response, e.g., a manager might have the firsthand knowledge and implied authority to act on behalf of the applicant that are required to verify facts under 37 C.F.R. §2.33(a)(2), but *not* have legal authority to bind the applicant (and therefore is not entitled to sign the response). TMEP §§712.01 *et seq.* and 712.03.

Applicant should include the following information on *regular mail or facsimile* correspondence with the Office [not necessary if the correspondence is filed electronically via TEAS]: (1) the name and law office number of the trademark examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a). To expedite prosecution of this application, applicant is encouraged to file its response to this Office action through the TEAS, available at <http://www.uspto.gov/teas/index.html>. If needed, the applicant should call the Trademark Assistance Center (TAC) for help in using TEAS. TAC may be reached at (571) 272-9250 or (800) 786-9199. TAC is open from 8:30 a.m. to 8:00 p.m. Eastern Standard Time, Monday through Friday, except on federal holidays.

The following legal authorities govern the processing of trademark and service mark applications by the Office: The Trademark Act, 15 U.S.C. §§1051 *et seq.*, the Trademark Rules of Practice, 37 C.F.R. Part 2, and the Office's *Trademark Manual of Examining Procedure* (TMEP) (4th ed., 2005), available on the United States Patent and Trademark Office web site at <http://www.uspto.gov/main/trademarks.htm>. The TMEP is a detailed guidebook written by the Office to explain the laws and procedures that govern the trademark application, registration and post registration processes. The TMEP is the manual that examining attorneys use when examining applications. Please note that this "Office action" will give references to the TMEP, e.g., TMEP §904.04. The applicant should refer to the cited section of the TMEP for information regarding the specific issue raised.

/Vivian Micznik First/
Vivian Micznik First
Trademark Attorney, Law Office 114
571-272-9159
vivian.first@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

Print: Mar 1, 2011

77254714

DESIGN MARK

Serial Number

77254714

Status

REGISTERED

Word Mark

PIKA PIKA

Standard Character Mark

Yes

Registration Number

3574236

Date Registered

2009/02/10

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Nguyen, Kimberly A. INDIVIDUAL UNITED STATES 835 2nd Street Hermosa Beach CALIFORNIA 90254

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: Jewelry. First Use: 2007/06/08. First Use In Commerce: 2007/06/08.

Translation Statement

The English translation of the word "PIKA PIKA" in the mark is SPARKLE.

Filing Date

2007/08/14

Amended Register Date

2008/12/16

Examining Attorney

SPRUILL, DARRYL

Attorney of Record

Print: Mar 1, 2011

77254714

Christopher J. Day

PIKA PIKA

Print: Mar 1, 2011

77655878

DESIGN MARK

Serial Number

77655878

Status

REGISTERED

Word Mark

CAMLA DREAM INSPIRE SPARKLE

Standard Character Mark

Yes

Registration Number

3748482

Date Registered

2010/02/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Cutter, America Chang INDIVIDUAL UNITED STATES 42 Waterfall Dr., Unit
E Canton MASSACHUSETTS 02021

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S:
Jewelry. First Use: 2009/01/01. First Use In Commerce: 2009/01/01.

Translation Statement

The wording "Camla" has no meaning in a foreign language.

Filing Date

2009/01/24

Examining Attorney

MITTLER, ROBIN

Attorney of Record

Jason R. Lee

camla
dream inspire sparkle

Print: Mar 1, 2011

78886379

DESIGN MARK

Serial Number

78886379

Status

REGISTERED

Word Mark

SPIRITUAL SPARKLE

Standard Character Mark

Yes

Registration Number

3795102

Date Registered

2010/05/25

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Rapaport, Martin INDIVIDUAL UNITED STATES 133 E. Warm Springs Road Las Vegas NEVADA 89119

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: Jewelry, diamonds, precious gemstones, semi-precious gemstones, precious gems and watches. First Use: 2010/02/15. First Use In Commerce: 2010/02/15.

Filing Date

2006/05/18

Examining Attorney

RADEMACHER, MARK

SPIRITUAL SPARKLE

Print: Mar 1, 2011

85140836

DESIGN MARK

Serial Number

85140836

Status

NON-FINAL ACTION - MAILED

Word Mark

SPARKLES BY AVA

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Midas Chain Inc. CORPORATION NEW YORK 50 McDermott Place Bergenfield
NEW JERSEY 07621

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S:
Jewelry, namely, rings, bracelets, pendants, chains, earrings,
necklaces, brooches, pins, charms. First Use: 2010/09/15. First Use
In Commerce: 2010/09/15.

Filing Date

2010/09/29

Examining Attorney

WHITTAKER-BROWN, TRACY

Attorney of Record

Max Moskowitz

SPARKLES BY AVA

To: The Bazar Group (pbazar@pearls.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85180816 - SPARKLE - N/A
Sent: 3/1/2011 4:16:05 PM
Sent As: ECOM114@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85180816) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 3/1/2011 to which you must respond. Please follow these steps:

1. **Read** the Office letter by clicking on this [link](#) **OR** go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Respond** within 6 months, calculated from 3/1/2011 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. **Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Vivian Micznik First/
Vivian Micznik First
Trademark Attorney, Law Office 114
571-272-9159
vivian.first@uspto.gov

WARNING

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System [Response to Office Action form](#).

EXHIBIT 2

Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85180816
LAW OFFICE ASSIGNED	LAW OFFICE 114
PUBLISH FOR OPPOSITION DATE	00/00/0000
MARK SECTION	
MARK	SPARKLE (stylized and/or with design)
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/Robert Salter/
SIGNATORY NAME	Robert Salter
SIGNATORY DATE	04/06/2011
SIGNATORY POSITION	Attorney
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Apr 06 14:55:08 EDT 2011
TEAS STAMP	USPTO/REA-68.15.42.146-20 110406145508705493-851808 16-480b1764db099acb5347a6 b75cec635d527-N/A-N/A-201 10406145013439508

Request for Express Abandonment

To the Commissioner for Trademarks:

MARK: SPARKLE (stylized and/or with design)

SERIAL NUMBER: 85180816

By submission of this request, the applicant hereby expressly abandons the application for trademark registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135. (concerning the commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right that the applicant may have in the mark which is the subject of the abandoned application.

Signature: /Robert Salter/ Date: 04/06/2011

Signatory's Name: Robert Salter

Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85180816

Internet Transmission Date: Wed Apr 06 14:55:08 EDT 2011

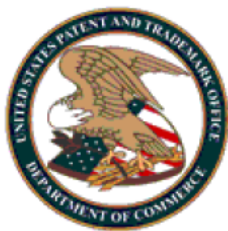
TEAS Stamp: USPTO/REA-68.15.42.146-20110406145508705

493-85180816-480b1764db099acb5347a6b75ce

c635d527-N/A-N/A-20110406145013439508

EXHIBIT 3

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Apr 7, 2011

The trademark application identified below was abandoned because Applicant's letter of express abandonment was received on Apr 6, 2011 .

SERIAL NUMBER: 85180816
MARK: SPARKLE
OWNER: The Bazar Group

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

THE BAZAR GROUP
THE BAZAR GROUP
795 WATERMAN AVE
EAST PROVIDENCE , RI 02914-1713